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7 Attorneys for Complainant

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No: 2009-221

13 **ROBERT MICHAEL TRICKETT**
4340 State Highway 154
Marshall, Texas 75670

A C C U S A T I O N

14 Registered Nurse License No. 634993

15 Respondent.

16
17 Ruth Ann Terry, M.P.H., R.N. ("Complainant") alleges:

18 **PARTIES**

19 1. Complainant brings this Accusation solely in her official capacity as the
20 Executive Officer of the Board of Registered Nursing ("Board), Department of Consumer
21 Affairs.

22 **License History**

23 2. On or about March 24, 2004, the Board issued Registered Nurse License
24 Number 634993 ("license") to Robert Michael Trickett ("Respondent"). The license will expire
25 on February 28, 2010, unless renewed.

26 **JURISDICTION**

27 3. Section 2750 of the Business and Professions ("Code") provides, in
28 pertinent part, that the Board may discipline any licensee, including a licensee holding a

1 temporary or an inactive license, for any reason provided in Article 3 (commencing with Code
2 section 2750) of the Nursing Practice Act.

3 4. Code section 2764, in pertinent part, that the expiration of a license shall
4 not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the
5 licensee or to render a decision imposing discipline on the license. Under Code section 2811,
6 subdivision (b), the Board may renew an expired license at any time within eight years after the
7 expiration.

8 5. Code section 118, subdivision (b), provides that the suspension,
9 expiration, surrender, or cancellation of a license shall not deprive the Board of jurisdiction to
10 proceed with a disciplinary action during the period within which the license may be renewed,
11 restored, reissued or reinstated.

12 STATUTORY PROVISIONS

13 6. Code section 2761 states, in pertinent part:

14 The board may take disciplinary action against a certified or
15 licensed nurse or deny an application for a certificate or license for any of
the following:

16 (a) Unprofessional conduct, which includes, but is not limited
17 to, the following:

18 (4) Denial of licensure, revocation, suspension, restriction, or
19 any other disciplinary action against a health care professional license or
20 certificate by another state or territory of the United States, by any other
government agency, or by another California health care professional
licensing board. A certified copy of the decision or judgment shall be
conclusive evidence of that action.

21 COST RECOVERY

22 7. Code section 125.3 provides, in pertinent part, that the Board may request
23 the administrative law judge to direct a licensee found to have committed a violation or
24 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
25 and enforcement of the case.

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1 CAUSE FOR DISCIPLINE

2 (Out-of-State Discipline)

3 8. Respondent's license is subject to disciplinary action under Code section
4 2761, subdivision (a)(4), on the grounds of unprofessional conduct, in that Respondent's
5 Registered Nurse License was disciplined by the Louisiana State Board of Nursing ("Louisiana
6 Board"), as follows:

7 a. Effective November 30, 2004, pursuant to a Consent Order, the Louisiana
8 Board suspended Respondent's Registered Nurse License, with a stay of the suspension,
9 contingent upon stipulations, including that Respondent submit to random drug screenings.

10 b. By Order dated June 7, 2005, the Louisiana Board issued an Order
11 suspending Respondent's Registered Nurse License and Respondent was ordered to cease and
12 desist the practice of nursing in the State of Louisiana for non-compliance with the Consent
13 Order entered into with the Louisiana Board on November 17, 2004. The Order was a result of
14 the fact that on June 2, 2005, Respondent submitted a random drug screen which tested positive
15 for Cocaine Metabolites.

16 A copy of the Order notifying Respondent to cease and desist the practice of
17 nursing and the agreement setting forth the stipulations are attached as **Exhibit A**, and are
18 incorporated herein.

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1 PRAYER

2 WHEREFORE, Complainant requests that a hearing be held on the matters herein
3 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

4 1. Revoking or suspending Registered Nurse License Number 634993 issued
5 to Robert Michael Trickett;

6 2. Ordering Robert Michael Trickett to pay the Board the reasonable costs of
7 the investigation and enforcement of this case, pursuant to Code section 125.3;

8 3. Taking such other and further action as deemed necessary and proper.
9

10 DATED: 3/23/09


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12 
13 RUTH ANN TERRY, M.P.H., R.N.
14 Executive Officer
15 Board of Registered Nursing
16 Department of Consumer Affairs
17 State of California
18 Complainant
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Exhibit A

Louisiana State Board of Nursing

17373 Perkins Road
Baton Rouge, LA 70810
Telephone: (225) 755-7500 Fax: (225) 755-7582
www.lsbnp.state.la.us

September 25, 2008

California Board of Registered Nursing
Leticia Castillo, Enforcement Program
1625 North Market Blvd., Ste. N-217
Sacramento, CA 95834-1924

STATE OF LOUISIANA

EAST BATON ROUGE PARISH

I, Barbara L. Morvant, Executive Director of the Louisiana State Board of Nursing, do hereby certify that I am Custodian of Records of the Board of Nursing and that the copy of the Final Order pertaining to the matter of **ROBERT MICHAEL TRICKETT**, [REDACTED], is a true and correct copy of said documents as they appear among the files and records of this office.

WITNESS by my hand and seal of the Board of Nursing this **September 25, 2008**.

LOUISIANA STATE BOARD OF NURSING

Barbara L. Morvant, MN, RN

BARBARA L. MORVANT, MN, RN
EXECUTIVE DIRECTOR

BOARD SEAL

By

Joy Peterson

Joy Peterson, BSN, RN
Acting Investigations Director

Enclosures

BLM/JP/clf

Louisiana State Board of Nursing

510 N. Causeway Blvd., Suite 601
Metairie, LA 70002-3531
Telephone: (504) 838-5332 Fax: (504) 838-5349
www.lsbns.state.la.us

Certified Mail

Return Receipt Requested

June 7, 2005

Mr. Robert Michael Trickett
5810 Pampus
Bossier City, LA 71112

Dear Mr. Trickett:

Reference is to the Consent Order with the Board effective November 30, 2004. This order allowed that your Louisiana RN license be suspended, with a stay of suspension, contingent upon stipulations. The Order stipulated, in part, that you:

- Submit to supervised random drug screens through an approved LSBN laboratory.
- Shall remain free of alcohol and all unprescribed mood altering substances. Any mood altering, addictive, or dependency-inducing substance must be currently prescribed for a bona fide medical condition by a physician knowledgeable about the individual's history and the information underlying the Board's concerns. All prescribed drugs must be verified in writing to the Board on a specified form by the individual and the prescribing physicians within five (5) days of this date, and within five (5) day of any new prescriptions. The Board reserves the right to have a LSBN recognized addictionist review and approve the prescriptions for continued nursing practice.

A review of your file reveals that you are not in compliance with the aforementioned Order. Specifically, on June 2, 2005, you submitted a random drug screen which tested positive for Cocaine Metabolites.

The order further states that failure to comply with the stipulations, or receipt of an unfavorable report shall result in the immediate suspension of your license. Therefore, your Louisiana RN license is suspended and you are hereby directed to return your 2005 RN license to the Board of Nursing.

YOU ARE TO CEASE AND DESIST IMMEDIATELY THE PRACTICE OF NURSING IN LOUISIANA.

If you are able to show error in the staff's action then you must so notify the Board in writing within ten (10) days of this date.

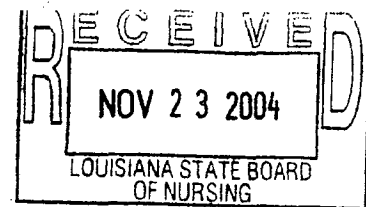
LOUISIANA STATE BOARD OF NURSING

Cynthia D. Morris

Cynthia D. Morris, MN, RN, APRN
Assistant Executive Director

CDM/LRR

cc: Cornerstone Hospital of Bossier City ✓
Attn: Elizabeth Cooper, RN
4900 Medical Drive
Bossier City, LA 71112



I, **ROBERT MICHAEL TRICKETT**, voluntarily agree to sign and have witnessed terms of agreement for the purpose of avoiding formal administrative proceedings with the Louisiana State Board of Nursing.

I, **ROBERT MICHAEL TRICKETT**, do say that I freely, knowingly and voluntarily enter into this agreement. I understand that I have a right to a hearing in this matter and I freely waive such right. I understand that I have a right to legal counsel prior to entering into this agreement.

I acknowledge that the Louisiana State Board of Nursing makes the following **FINDINGS OF FACT:**

1. That on March 3, 1995, the respondent was licensed by examination to practice as a registered nurse in Louisiana.
2. That on or about January 12, 2004, respondent was named in an anonymous complaint to LSUHSC where he was alleged, but denied, that he was observed smoking pot at a concert and smoking pot and snorting cocaine at a New Year's Eve party. Respondent was asked by LSUHSC to submit to a drug screen to which he refused. He was allowed to resign in lieu of termination for this refusal of the drug screen as per LSUHSC policy.
3. That on January 13, 2004, following respondent's resignation, in meeting with the Assistant Hospital Administrator, Director of Nursing Services, he admitted to having "smoked some marijuana a few weeks ago."

To facilitate submission of this Consent Agreement, I do not offer any defense to the **FINDINGS OF FACTS**. I agree that the Board has jurisdiction of this matter pursuant to L.R.S. 37:911 et seq. I admit to all of the above facts and I agree that there is sufficient evidence upon which to predicate a finding of violation of the provisions of L.R.S. 37:921. I agree that the Board may treat the allegations of fact and law as true, which finding shall have the same force and effect as if evidence and argument were presented in support of the allegations and, based thereon, the Board found the allegations to be true. I specifically waive my right to contest these findings in any subsequent proceedings before the Board. I understand that this Consent Order shall constitute a public record and is disciplinary action by the Board. I understand that this will be reported as **Drug Related: Other**.

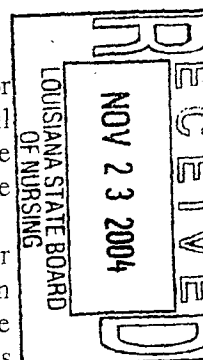
I further acknowledge and attest that I have fully cooperated with the Louisiana State Board of Nursing in resolving this matter and intend to comply with all stipulations of this order.

In order to avoid further administrative proceedings, I hereby consent to accept and abide by the following ORDER of the Board:

The license of this registrant is suspended, with a stay of the said suspension, and that the license is probated for twelve (12) months with the following stipulations:

1. Within three (3) days upon receipt of this Order, send RN license to the Board office so that the license can be marked "probated".
2. Within 60 days, submit to a comprehensive outpatient psychiatric, psychological and substance abuse evaluation by a psychiatrist, clinical psychologist and addictionist who have been approved by the Board; Shall authorize and cause a written report of the said evaluation to be submitted to the Board; Shall include the entire evaluation report including diagnosis, course of treatment, prescribed or recommended treatment, prognosis, and professional opinion as to registrant's capability of practicing nursing with reasonable skill and safety to patients.

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3. Immediately submit to all recommendations thereafter of the therapist, physician, or treatment team, and cause to have submitted evidence of continued compliance with all recommendations by the respective professionals. This stipulation shall continue until the registrant is fully discharged by the respective professionals and until approved by the Board staff.
4. If the evaluations give any treatment recommendations or findings to warrant concern for patient safety, shall meet with Board or Board staff. Must demonstrate, to the satisfaction of the Board, that he poses no danger to the practice of nursing or to the public and that he can safely and competently perform the duties of a registered nurse. If the Board approves continued licensure, the probation period, conditions or stipulations, may be revised to ensure that patients and the public are protected.
5. If found to be chemically dependent, immediately sign an agreement with the Recovering Nurse Program, and cause to have submitted evidence of compliance with all program requirements for a minimum of three (3) years.
6. Shall remain free of alcohol and all unprescribed mood altering substances. Any mood altering, addictive, or dependency-inducing substance must be currently prescribed for a bona fide medical condition by a physician knowledgeable about the individual's history and the information underlying the Board's concerns. All prescribed drugs must be verified in writing to the Board on a specified form by the individual and the prescribing physicians within five (5) days of this date, and within five (5) day of any new prescriptions. The Board reserves the right to have a LSBN recognized addictionist review and approve the prescriptions for continued nursing practice.
7. Have supervised random urine drug screens done monthly, through an approved LSBN laboratory. Additional screenings may be requested by Board staff. Written reports of same shall be submitted to the Board.
8. Prior to beginning or returning to work, inform all nursing employers of these disciplinary measures and of the probationary status of license. Within 5 days, shall cause all employers to submit, in writing to the Board, that they have reviewed all pages of this Order.
9. Have all immediate nursing supervisors submit a performance evaluation report quarterly, commencing from the first date of employment.
10. Work in a restrictive environment as a member of a treatment team rather than alone or with a few employees. Not be employed in agency/pool/staffing, home health services, or nursing homes. Additionally, not be employed in any unsupervised setting. Must be directly supervised by an on-site registered nurse.
11. Immediately (within 72 hours) inform the Board in writing of any change in address.
12. Immediately inform the Board in writing of all places of employment. If employment changes, the Board shall be immediately (within 72 hours) notified in writing.
13. If unemployed, inform the Board in writing on a quarterly basis.
14. Shall engage in the practice of professional nursing in Louisiana for a minimum of twenty four (24) hours per week for a minimum of twelve (12) consecutive months.
15. Within two (2) months, submit payment of \$200.00 to the Board, with \$100.00 due on the first of each month.
16. By the first of each month, submit a monthly probation fee of twenty-five dollars (\$25.00) to the Board, beginning October 1, 2004.
17. Not have any misconduct, criminal violations or convictions, or violations of any health care regulations reported to the Board related to this or any other incidents.
18. Quarterly reports are due on or before the first day of January, April, July, October. Monthly reports are due on the first of each month.
19. Failure to comply with the above orders, receipt of an unfavorable report, or non-receipt of

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reports on or before the date due shall result in the immediate suspension of this registrant's license.


20. This suspension can be imposed by action of the Executive Director subject to the discretionary review of the Board.

I, **ROBERT MICHAEL TRICKETT**, understand that this agreement is effective immediately upon signature of the Executive Director. It is also understood that this agreement does not preclude the Board of Nursing from requiring a formal hearing of my case. I further understand that should the Consent Agreement not be accepted by the Board, I agree that presentation to and consideration of the Consent Agreement, the documentary evidence and information by the Board shall not unfairly or illegally prejudice the Board or any of its members from participation in hearings or other proceedings pertaining to these or other matters regarding this registrant.

Dated this 17 day of November, 2004



ROBERT MICHAEL TRICKETT

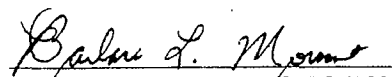


Witness James Woods

Ronda Bean

Witness

LOUISIANA STATE BOARD OF NURSING



Barbara L. Morvant, MN, RN 11/30/04 Date
Executive Director

